

Serial No.: 10/062,461
Atty. Docket No.: P67521US0

REMARKS

The Office Action mailed August 5, 2003, has been carefully reviewed and by this Amendment, claims 1-5 have been canceled and new claims 6-18 have been added. Accordingly, claims 6-18 are pending in the application. In view of the amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

The Examiner objected to the specification as containing informalities which Applicant has herein corrected. Informalities in the abstract have also been corrected, with a replacement abstract being submitted herewith on a separate sheet.

The Examiner rejected claims 1-5 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-5 have been canceled and new claims 6-18 are presented which are in compliance with 35 U.S.C. 112, second paragraph. Favorable consideration is requested.

The Examiner rejected claims 1, 4 and 5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,889,523 to Sengewald, and rejected claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Sengewald in view of U.S. Patent No. 442,839 to West.

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In view of the Applicant's cancellation of claims 1-5, the rejections are technically moot. However, with respect to new claims 6-18, Applicant provides the following remarks.

Sengewald discloses a bag made of thermoplastic foil, formed with side walls and having one closed end and a filling opening at the opposite open end of the bag. The closed end is made by two parallel weld seams 35, 36 (see Figure 5) which connect the upper and lower walls. The filling opening is provided with a tearable flap having two holes therein so that the bag can be held by holding pins which extend through the holes. After the bag is filled, the flap can be torn off and thrown away. The bag is produced in such a way that first the foil is folded together (Figure 7), then the side folds are formed (Figure 8). Afterwards, a part of the upper wall is cut off (Figure 9) and the upper wall and the lower wall are welded together in a longitudinal direction (Figure 11). Finally, traverse weld seams and the two holes are made (Figure 12).

The bag shown by Sengewald does not anticipate the present invention but rather represents the state of the art from which the present invention begins. Namely, the state of the art is a bag with side folds, with a filling opening and a closed end. The closed end is produced by a traverse weld seam such as

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that shown in Sengewald. The problem with the described state of the art is that the bags are used to hold high-weight filling material and therefore are made of relatively thick plastic film. In order to produce traverse welding seams of suitable strength for heavy loading, it is necessary to weld the seams over a long period because the thermal conductivity process takes a long time with such thick film. The present invention solves this problem, providing a method for producing plastic film bags with high loading capability in a shorter time.

As set forth in claims 6 and 11, the process for manufacturing a side fold sack from a flat lying segment of a web of plastic tubular film, according to the present invention, includes cutting *the bottom end* of the flat lying segment to form a staggered portion in which the rear wall projects beyond the front wall, applying an adhesive to the staggered portion up to a fold line area having a fold line located adjacent and generally parallel to the free edge of the front wall, folding the staggered portion along the fold line, and adhering the staggered portion onto the front wall to seal *the bottom end* of the sack.

This is not what is shown in Sengewald. While Sengewald discloses the production of a stagger or flap, this flap structure is not used to facilitate sealing of the bottom

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end of bag but instead is formed on the filling side of the bag to assist in support of the bag during filling thereof with a large volume of material, after which the flap is designed to be torn off (see column 1, lines 38-41 and 63-66, and column 2, lines 1-21).

There is nothing in Sengewald, and similarly nothing in West, to suggest the forming of a staggered portion at the *bottom end* of the bag, the staggered portion being folded over and adhered to the front wall of the bag in order to seal the bottom end, as set forth in claims 6 and 11. This method reduces the amount of time needed to seal the bags and is quite unlike what is shown in the prior art. Therefore, for at least the foregoing reasons, claims 6 and 11 are patentable over the cited art. Favorable reconsideration and allowance thereof is requested. Claims 7-10 and 12-18 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the

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undersigned attorney so that the present application can receive
an early Notice of Allowance.

Respectfully submitted,

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